



February 15, 2001

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## HOUSE BILL No. 1627

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DIGEST OF HB 1627 (Updated February 14, 2001 3:14 PM - DI 94)

**Citations Affected:** IC 36-8.

**Synopsis:** County corrections district. Allows two or more contiguous counties to create a corrections district to provide correctional facilities and correctional services for the area within the district. Provides for administration of the district. Allows the district to impose a uniform tax rate levy on all property within the district. Removes the tax levy for the corrections district from the ad valorem property tax levy limits imposed on civil taxing units. (The introduced version of this bill was prepared by the county government study commission.)

**Effective:** July 1, 2001.

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**Welch, Whetstone, Adams T,  
Goeglein**

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January 17, 2001, read first time and referred to Committee on Local Government.  
February 14, 2001, amended, reported — Do Pass.

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HB 1627—LS 6243/DI 94+



February 15, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1627

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-21 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]:

4 **Chapter 21. County Corrections District**

5 **Sec. 1. (a) This chapter does not apply to townships, cities, or**  
6 **towns.**

7 **(b) This chapter applies to a geographic area that is established**  
8 **as a county corrections district.**

9 **Sec. 2. As used in this chapter, "district" refers to a county**  
10 **corrections district established under this chapter.**

11 **Sec. 3. As used in this chapter, "participating unit" refers to a**  
12 **unit that adopts an ordinance under section 5 of this chapter.**

13 **Sec. 4. (a) The legislative bodies of two (2) or more contiguous**  
14 **counties may establish a district to provide through agreement any**  
15 **one (1) or more of the items listed in subsection (b) for the**  
16 **participating units of the district.**

17 **(b) A district may enter into an agreement with the**

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participating units within the district to provide for the participating units any one (1) or more of the following:

- (1) A jail.
- (2) Services related to a jail.
- (3) Community corrections.
- (4) Probation services.
- (5) Substance offender services.

Sec. 5. (a) To establish a district, the legislative bodies of each county desiring to become a part of the proposed district must adopt identical ordinances after January 1 but before April 1 to become a party to an agreement for the establishment of a district. The ordinance must include at least the following:

- (1) The boundaries of the proposed district.
- (2) The identity of all participating units desiring to be included within the territory.
- (3) An agreement to impose a uniform tax rate upon all the taxable property within the district.
- (4) The contents of the agreement to establish the district.
- (5) A procedure for the dissolution of the district.

(b) An ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

Sec. 6. (a) A county corrections district board is established in each district established under this chapter.

(b) The members of the district board are:

- (1) one (1) member from each participating county, appointed by the county executive;
- (2) the county sheriff or a deputy sheriff designated by the sheriff from each participating county unit, serving as an ex officio member; and
- (3) one (1) member of the county fiscal body from each participating county unit, serving as an ex officio member.

(c) Members of the board serve a term of four (4) years.

(d) If a vacancy occurs on the board, the appointing authority shall appoint a replacement member to serve the remainder of the unexpired term.

Sec. 7. (a) The board shall fix the time for holding regular meetings.

(b) Special meetings of the board may be called by the chairperson or by two (2) members upon written request to the secretary. At least three (3) days before a special meeting, the secretary shall send to all members a written notice fixing the time and place of the meeting. However, written notice of a special



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meeting is not required if:

- (1) the time of the special meeting has been fixed in a regular meeting; or
- (2) all members were present at a meeting at which a special meeting was called.

Sec. 8. (a) At the first regular meeting each year, the board shall elect a chairperson, a vice chairperson, and a secretary from its number. The vice chairperson shall act as chairperson during the absence or disability of the chairperson.

(b) A majority of the board constitutes a quorum. An action of the board is official only if it is authorized by a majority of the members of the board at a regular or properly called special meeting.

(c) Each board member may be reimbursed for actual expenses, including traveling expense at a rate equivalent to that provided by statute for state employees. Claims for expense reimbursement must be accompanied by an itemized written statement and approved by a recorded motion of the board.

(d) The board shall maintain offices at a correctional facility within the district. The board shall keep a record of all transactions and minutes of all meetings in the office. All records and minutes shall be kept available for public inspection.

Sec. 9. (a) The board:

- (1) shall appoint, fix the compensation of, and prescribe the duties of a fiscal officer, secretarial staff, persons performing special and temporary services or providing legal counsel, and other personnel considered necessary for the proper functioning of the district; however, a person appointed as fiscal officer must be bonded by good and sufficient sureties in an amount ordered by the county legislative body of the county in which the board maintains its office to protect the district from financial loss;
- (2) shall exercise general supervision of and make regulations for the administration of the district's affairs;
- (3) shall prescribe uniform rules pertaining to investigations and hearings;
- (4) shall supervise the fiscal affairs and responsibilities of the district;
- (5) may delegate to employees of the district the authority to perform ministerial acts, except in cases in which final action of the board is necessary;
- (6) shall keep accurate and complete records of all



departmental proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents of the district;

(7) shall make an annual report to the executive and the fiscal body of each participating unit that at least lists the financial transactions of the district and a statement of the progress in accomplishing the purposes for which the district has been established;

(8) shall adopt a seal and certify all official acts;

(9) may sue and be sued collectively by its legal name ("County Corrections District Board, \_\_\_\_\_ Corrections District"), with service of process made on the chairperson of the board; however, costs may not be taxed against the members individually in an action;

(10) may invoke any legal, equitable, or special remedy for the enforcement of this chapter or of proper action of the board taken in a court;

(11) shall prepare and submit to the fiscal body of each participating unit an annual budget for operation and maintenance expenses and for the retirement of obligations of the district;

(12) may enter into agreements with and accept money from a federal or state agency and enter into agreements with a municipality located within or outside the district, whether or not the municipality is a part of the district, for a purpose compatible with the purposes for which the district exists and with the interests of the municipality;

(13) may accept gifts of money or other property to be used for the purposes for which the district is established;

(14) may levy taxes at a uniform rate on the real and personal property within the district;

(15) may issue bonds and tax anticipation warrants;

(16) may incur other debts and liabilities;

(17) may purchase or rent property;

(18) may sell property or provide services for compensation if the property is produced or the services are provided incident to the operations of the district, making a fair and reasonable charge for the property or services;

(19) may make contracts or otherwise enter into agreements with public or private persons and federal or state agencies for construction, maintenance, or operations of or in part of the district;



(20) may receive and disburse money; and

(21) may engage in any other activity, purpose, or function related to the provision of correctional services for the district.

(b) Powers granted by this chapter may be used only to accomplish the purpose or purposes as stated in the ordinance or resolution establishing the district. However, an act of the board necessary and proper to accomplish the purposes for which the district is established is not invalid because it incidentally accomplishes a purpose other than one for which the district is established.

(c) If the amount obtained through property taxes levied under subsection (a)(14) in a particular year is insufficient to cover the costs incurred in providing correctional services within the district, a participating unit may transfer from available sources to the corrections district fund the money needed to cover those costs. In this case:

(1) the levy in the following year shall be increased by the amount required to be transferred; and

(2) the provider unit is entitled to transfer the amount described in subdivision (1) from the fund as reimbursement to the provider unit.

(d) If the amount levied in a particular year exceeds the amount necessary to cover the costs incurred in providing correctional services within the district, the levy in the following year shall be reduced by the amount of surplus money.

Sec. 10. (a) The state board of tax commissioners, when approving a rate and levy fixed by each participating unit, shall verify that a duplication of tax levies does not exist within participating units so that taxpayers do not bear two (2) levies for the same service, except as provided by subsection (b).

(b) A unit that incurred indebtedness for corrections before becoming a participating unit under this chapter shall continue to repay that indebtedness by levies within the boundaries of the unit until the indebtedness is paid in full.

Sec. 11. In the same year that a tax levy is imposed under section 9(a)(14) of this chapter, each respective participating unit's tax levies attributable to providing corrections within the unit shall be reduced by an amount equal to the amount levied for corrections in the year immediately preceding the year in which each respective unit became a participating unit.

Sec. 12. (a) If a participating unit elects to withdraw from a



1 district established under this chapter, the participating unit must,  
2 after January 1 but before April 1, adopt an ordinance providing  
3 for the withdrawal. If not provided otherwise in the procedure for  
4 dissolution, an ordinance adopted under this section takes effect  
5 January 1 of the second year after the ordinance is adopted.

6 (b) If an ordinance is adopted under subsection (a):

7 (1) the unit's maximum permissible ad valorem property tax  
8 levy with respect to corrections shall be initially increased by  
9 the amount of the particular unit's previous year levy under  
10 this chapter; and

11 (2) additional increases with respect to corrections levy  
12 amounts are subject to the tax levy limitations under  
13 IC 6-1.1-18.5, except for the part of the unit's levy that is  
14 necessary to retire the unit's share of any debt incurred while  
15 the unit was a participating unit.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1627, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 18 and 19, begin a new line block indented and insert:

**"(5) A procedure for the dissolution of the district."**

Page 6, line 2, delete "An" and insert **"If not provided otherwise in the procedure for dissolution, an"**.

Page 6, line 3, delete "July" and insert **"January"**.

Page 6, line 3, after "of the" insert **"second"**.

Page 6, line 3, delete "that" and insert **"after"**.

and when so amended that said bill do pass.

(Reference is to HB 1627 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 12, nays 0.

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